

PLANNING COMMISSION MINUTES OF JUNE 8, 2009

2007-1293 – Palo Alto Medical Foundation [Applicant/Owner]: Application for related proposals on six sites at **301 and 401 Old San Francisco Road, and 420, 428, and 448 Kenney Court** in an R-2/O/PD (Low-Medium Density Residential with an Office/Planned Development Combining District) Zoning District; (APNs: 209-31-069, 209-32-041, 209-32-039, 209-32-027, 209-32-028, and 209-32-029) SL

- **Certify Final Environmental Impact Report** and adopt Statements of Overriding Consideration
- **Rezone** from R-2/O/PD (Low-Medium Density Residential with an Office/Planned Development Combining District) to PF/PD (Public Facilities/Planned Development)
- **Special Development Permit** to allow development of a 120,000 sf. medical clinic, a two level parking garage, and a storage building.

Steve Lynch, Senior Planner, presented the staff report. He said staff is recommending the Planning Commission recommend to City Council to certify the Environmental Impact Report (EIR), maintain the existing zoning, approve the Special Development Permit (SDP) with conditions, and direct staff to take action on traffic related items. He discussed supplemental information provided on the dais. He provided two modifications to the conditions of approval (COAs) correcting street names in conditions 15.A and 15.B switching Kenney Court and Jarvis Court, and provided clarification to a landscaping condition. He said available this evening to answer questions are Jack Witthaus and Heba El-Guendy from the City's Transportation and Traffic Division, John Schwarz and Karli Grigsby, representatives of the EIR consultants, David J. Powers and Associates, Inc., and other technical consultants.

Comm. Klein discussed with staff the garage exhaust fans, the possibility of a solid wall for the garage to the north, and the design of the garage. **Trudi Ryan**, Planning Officer, discussed the Environmental consultant's review of the garage including noise. Comm. Klein discussed with staff the shadowing of the neighbor's property and solar access for the roof tops.

Comm. Sulser discussed with staff COA 3.D regarding the night custodians and janitors and where they can park. Comm. Sulser discussed with staff the initial proposed rezoning to PF/PD and the redesign that changed staff's recommendation to retain the current zoning. Comm. Sulser and staff further discussed keeping the site zoned R-2/O/PD and clarified that currently this site is not a residential use and will not affect the updating of the housing sub-element.

Comm. Hungerford and staff discussed the desired traffic flow for the parking garages, and the need for a three-way stop at Bayview and Old San Francisco Road. **Franziskz Church**, with traffic consultants Fehr and Peers, said with a three-way stop added that the intersections on Old San Francisco, with Carroll, Bayview and Central would have the capacity to adequately handle traffic. Comm. Hungerford discussed pedestrian traffic flow with staff not recommending a mid-block crosswalk.

Comm. McKenna discussed with staff traffic flow and specific actions to be taken to calm and route traffic. **Heba El-Guendy** said that the project does not have significant impacts from a CEQA perspective and discussed the City traffic calming process. Comm. McKenna asked further about directing drivers out of parking lots with staff discussing traffic control features, and that these would be further determined at the design phase. Staff said there would be workshops and conversations with the neighborhood residents to determine where the traffic control features would be placed. Comm. McKenna discussed with staff a possible u-turn at El Camino Real when traveling south on Sunnyvale Avenue.

Comm. Klein discussed with staff the pedestrian access of the employees.

Chair Rowe disclosed that she met with representatives from Palo Alto Medical Foundation (PAMF) and Citizens Address Re-zoning (CARz). **Comm. Sulser** disclosed that he met with representatives from PAMF and CARz. **Comm. McKenna** disclosed that she met with representatives from PAMF and CARz. **Vice Chair Chang** disclosed that he met with representatives from PAMF and spoke with a neighbor near the site.

Chair Rowe opened the public hearing.

Rich Slavin, applicant and Executive Vice President for PAMF, provided a brief history of PAMF and their history in Sunnyvale. He said Sunnyvale is one of the largest cities in California that has no hospital. Mr. Slavin introduced **Curtis Snyder**, with Hawley Peterson and Snyder Architects, architects for the project. Mr. Snyder said he thinks the project is better as they have responded to the neighbors' comments. Mr. Snyder discussed the changes including reduction of the mass, enhanced landscaping, changes in parking, changes in building design and square footage reductions, the elevations of the buildings, and changes in materials and details. Mr. Snyder said they would continue to work with staff and the neighbors on landscaping and said they would like to include redwood trees along the north part of the project. He discussed lighting, windows, automatic blinds, floor setbacks and privacy glass. He said that PAMF would continue to work with the neighbors and the City on traffic issues. He discussed the parking management plan. He said they think the design has come a long way to meet the neighbors' concerns and that they have designed an elegant, patient-friendly medical facility that will hopefully be a major community resource and great source of pride for the community.

Genie Florczyk, Principal of St. Martin School, spoke in favor of the new building, and said she applauds the applicant for working with the neighbors and making changes. She said she believes the traffic issues will be addressed.

Stephen Meier, a Sunnyvale resident, spoke in support of the facility, saying that it can be a local stimulus project which he would be proud to have in Sunnyvale. He discussed the regional traffic benefit, the need for a crosswalk, and agreed with the local residents that the traffic situation needs further study.

Mary Sullivan, a Sunnyvale resident, spoke in support of the facility, and the importance of having high quality medical care close by. She said PAMF has been a landmark in Sunnyvale for years and said it is important to support them.

Josh Martin, a Sunnyvale resident, spoke on behalf of CARz. He said initially CARz had three main concerns: the size of the building tied to the rezoning; traffic flow through residential streets; and pedestrian safety. He said CARz wants a situation that works for PAMF and CARz thanking PAMF for reducing the size of the building and height of the parking structure. He said CARz biggest remaining concern is the traffic flow on the residential streets and said he does not want the project approved until the traffic issues are adequately addressed.

Mary Adamson, a Sunnyvale resident, spoke about noise and air pollution affecting the neighbors during the proposed two-year construction. She said she does not think staff took into consideration the residents of neighboring Life's Garden with the Senior citizens and the children at the nearby school.

Tynna Jones, a Sunnyvale resident, said she is deeply disappointed with the Final EIR as there are unanswered questions and the issues are not adequately addressed. She spoke about her concerns with the pedestrian traffic, crosswalk problems, vehicle pedestrian impacts, and the location of the vents from the underground parking.

Jeni Pfeiffer, a Sunnyvale resident, discussed the location and noise levels of the smoke stacks and generators, the barrier walls, the operational hours from 7 a.m. to 7 p.m. being inappropriate, that she does not want construction on Saturdays, and her privacy concerns with patients looking down on the neighborhood. She said she does not think the EIR should be recommended to be certified.

Judy Blare, a Sunnyvale resident, discussed the excessive noise and exhaust fumes that she already experiences at her location. She said she dreads the increase in traffic from the completion of the facility and the Downtown. She discussed on-line maps and the recommended routes to the existing site commenting that all the routes go through the neighborhood. She said unless Carroll and Bayview are closed, on-line maps would route drivers through the neighborhoods even with traffic calming measures. She said she would like to

see the Planning Commission not recommend certification of the EIR, due to traffic issues adding she is not against the project, but would like the traffic issues resolved first.

Kevin Shives, a Sunnyvale resident, and member of CARz said he thinks the traffic will have a negative impact on their neighborhood. He provided a map and signed petitions from the area impacted. He said the Final EIR and the recommendations of staff do not adequately address their concerns. He encouraged the Commission to not exclude possible street closures, to delay any approval of the project until the City completes the left turn analysis and the traffic calming plan, stating there is time, as many of the PAMF proposed sites are having their funding frozen.

Jeff Jones, a Sunnyvale resident, and member of CARz, provided a handout. He thanked PAMF for redesigning the architecture. He discussed items missing from the EIR, including trip distributions, and missing traffic counts. He said the facility hours have been expanded from 7 a.m. to 7 p.m. including after-hours and weekends which the traffic study did not include. He encouraged the Commission to not recommend certification or approval of the project, until the traffic issues are resolved.

Kim Martin, a Sunnyvale resident, said she agrees with most of the items the CARz representatives have discussed saying her biggest concern is the traffic. She discussed possible closures of Bayview and Carroll, adding that she thinks emergency vehicles and garbage trucks would be able to turn around.

Robert Varesio, a Sunnyvale resident and trustee for a neighboring property, discussed his concerns about noise and air quality from the exhaust vents, and the EIR saying "the exhaust would not result in significant local air quality impact related to exposure to carbon monoxide levels". He said he lives next door and asked what "local" means. He said he was disappointed with the staff answer in the EIR regarding the fence on the northern property line and said he is most concerned that the fence can stop vehicles coming onto his property. He said he does not want redwood trees planted along the northern boundary due to clean-up issues and does not want the EIR certified due to the unanswered questions.

Cynthia Cotton, a Sunnyvale resident, spoke in support of the project, saying she sympathizes with the CARz group. She said she his speaking as a patient and said that this facility is essential acknowledging there are still issues to work out. She said she hopes the issues can be resolved as the proposed facility is in a good, central location.

Mikhail Spitrovsky, a Sunnyvale resident, said he appreciates the reduction in the size of the project as his property is very near the garage. He said he is very concerned about his privacy and would like a solid wall on the parking garage. He urged the Commission not to approve the project unless the wall will be solid.

Helen Gettinger, a Sunnyvale resident, spoke in support of the project and PAMF. She said it important to have good health care available to Sunnyvale residents.

Arthur Schwartz, a Sunnyvale resident, said currently there is no u-turn allowed on Sunnyvale Avenue at El Camino Real. He discussed the traffic issues and traffic calming measures and made suggestions for traffic improvement.

Michael Garcia, a Sunnyvale resident, said he lives on the corner of Carroll and Jarvis and his biggest concerns are the generator, the air vents, and the noise as the master bedroom backs up to this proposed area. He said he would like the generator and vents moved, and that he is concerned about how the property values of the homes will be affected.

Mike Volking, a Sunnyvale resident, discussed the traffic flow and the difficulty of getting out of driveways. He explained that he is on Olive Avenue and for some reason his side of Olive Avenue was not included in any of the planning.

Michael Weseloh, a Sunnyvale resident, commented on traffic issues and street closures. He said that City seems to be the only party involved that does not want the street closures. He said he would like the traffic study completed before the project moves forward. He said if the project is approved he would like to know when PAMF would break ground, that he would like an urgent care use to be included, and offered suggestions regarding the vents and parking.

Garrett McGonigal, a Sunnyvale resident and PAMF patient for many years, said he is in support of the project in concept. He spoke in support of CARz and said he is concerned with traffic, specifically speed and volume. He said he thinks it would be irresponsible to approve this project without a full traffic analysis. He commented that the proposed rezoning never made sense to him.

Amin Valani, a Sunnyvale resident, said he is for and against the project. He said he his concerned about the noise of the generators and vents, about the traffic, and would like to see Old San Francisco Road opened up for a left turn.

Nancy Espinoza, a Sunnyvale resident, thanked PAMF for sending someone to clean up the site. She discussed Old San Francisco Road, and commented that her house is her investment and asked the Commission to not mess that up.

Comm. Klein discussed with staff the increase in pervious surfaces, noise from vents and operational noise, and the noise from the testing of the generator. **Michael Thill**, acoustical consultant with Illingworth & Rodkin, Inc., discussed the noise measurements, that as proposed the noise levels exceed what code allows, and that Mitigation Measure 2 provides additional attenuation during detail design so noise levels can be made to meet the code requirements.

Comm. Hungerford discussed with staff a speaker's concern about construction on Saturdays with staff providing what the code allows. Comm. Hungerford discussed Bayview and Carroll and possible closure, and concerns with emergency vehicles and turning around. **Jack Witthaus**, Transportation and Traffic Manager, discussed the concerns including the following of City policy, the balance of protecting residential neighborhoods from non-neighborhood traffic and providing a safe, efficient accessible transportation system. Mr. Witthaus said that closing streets limits a public resource, and redistributes traffic elsewhere, providing the recommendation to use traffic calming measures, and working with the neighborhood to discourage non neighborhood traffic. Mr. Witthaus clarified that the proposed \$50,000 calming budget in the COAs would be for construction and not more studies. Comm. Hungerford discussed with the Mr. Thill ways of softening noise from the fans and vents.

Comm. McKenna discussed with Mr. Witthaus why staff does not recommend allowing closure of the street as even a last option, with staff explaining that it is more conducive with City policy to not close streets.

Ms. Ryan said that if the Commission wants to recommend possible street closures as a final option, that the Commission can include this in their recommendation to Council.

Chair Rowe discussed with staff the use of alternative materials for absorbing sound with the Mr. Thill referring to Mitigation Measure 2. Chair Rowe discussed with the Mr. Thill the wall of the garage and absorption of sound. Chair Rowe discussed with staff street closures, traffic on Carroll, and residents having difficulty getting out of their driveways due to traffic.

David Jury, Vice President of Support Services with PAMF requested the Commission recommend to City Council approval of the staff recommendation. He said this process has taken about two years, and they have listened to the neighbors and modified the project. He said he disagrees with staff regarding a mid-block crosswalk and would like to include the crosswalk with pavers and in-ground sensor lighting. He said there is no impact identified in the EIR that would require a left turn lane or street closure. He said they would endorse the left turn lane. He said they do not want to take the lead on the traffic issue and will go with what the staff and the neighbor's determine. He said the only issue about the street closure for PAMF would be the cost issue and they would want to make sure the cost distribution would be fair. He said though there is disagreement on the issues that does not mean the issues have not been thoroughly looked at. He said there is a lot of time to address many of the issues and urged the Commission to recommend approval with staff's recommendation.

Chair Rowe discussed with Mr. Jury how PAMF would enforce the parking requirements on employees, and funding for the project with Mr. Jury commenting that this project is high on the list of priorities for PAMF.

Comm. Klein discussed with Mr. Jury employees crossing to and from the parking garage and possible changes in employee exits in the building design.

Chair Rowe closed the public hearing.

Comm. Klein moved for Alternative 1, regarding the EIR action, to Adopt a resolution recommending certification of the EIR, adopting the Statements of Overriding Consideration, and adopting the Mitigation Monitoring and Reporting Program; Alternative 3, regarding Rezoning Actions, to Maintain the existing zoning designation of R-2/O/PD (Low-Medium Density Residential with an Office/Planned Development Combining District) and do not approve the rezoning; Alternative 6, regarding Special Development Permit Actions, to Approve the Special Development Permit with modified findings and conditions of approval; Alternative 8a, regarding Transportation Policy Actions, Direct staff to study neighborhood traffic calming, including closure options, for S. Bayview Avenue and Carroll Street with the following conditions of approval:

- The applicant/developer shall contribute up to \$50,000 to the City that shall be used to design and construct neighborhood traffic calming measures, including street closure options, on nearby residential streets. These funds shall be deposited with the City prior to submittal of building permits. Any unexpended or uncommitted funds remaining after three years from the date of deposit shall be refunded to the applicant/developer.
- If the City determines that full or partial street closures are necessary, the applicant/developer shall be fully responsible for the additional cost to design and construct the City-approved street modifications, including cul-de-sac construction if deemed necessary, on S. Bayview Avenue (between Kenney Court and Old San Francisco Road) and on Carroll Street (between Old San Francisco Road and Jarvis Court).
- And to add a third bullet 9A into 8A, that the applicant/developer shall be fully responsible for the cost to study, design, and construct bulb-outs or another City-approved street modification on S. Bayview Avenue (between Jarvis Court and Old San Francisco Road) and on Carroll Street (between Old San Francisco Road and Kenney Court). Plans shall be submitted to the Director of Public Works for review and approval prior to building permit issuance for building shell(s), and shall be installed prior to approval of occupancy.

Alternative 10, Direct staff to prepare a preliminary engineering feasibility analysis of providing a left turn from southbound Sunnyvale Avenue to eastbound Old San Francisco Road; **Alternative 11**, If Alternatives 8a, 8b, 9a, 9b and/or 10 are approved by the City Council, direct staff to meet further with the neighborhood and return to the City Council with a status report or study results no later than December 2009. Comm. Klein said the modifications to the conditions would be:

- to add a condition (15.A.3) that the applicant/developer shall be fully responsible for the cost to study, design, and construct bulb-outs or another City Approved street modification on S. Bayview Avenue (between Kenney Court and Old San Francisco Road) and on Carroll Street (between Old San Francisco Road and Jarvis Court). Plans shall be submitted to the Director of Public Works for review and approval prior to building permit issuance for building shell(s), and shall be installed prior to approval of occupancy.;
- to add a condition that the applicant investigate with staff the concept of an employee exit on the southeast corner of the building on 301 Old San Francisco Road onto the corner of S. Bayview Avenue and Old San Francisco Road;
- to add a condition that the applicant work with staff and the Director of Community Development to evaluate a modification to the north wall of the parking structure, preferably a solid wall or other acoustic attenuation on the first floor to reduce noise;
- to add a condition (12.C) that the applicant be required to provide mechanized window coverings on timers on the first, second and possibly the third story windows to prevent evening light towards the residential community.

Comm. McKenna requested a friendly amendment to add to Alternative 10 that if a left turn traveling south on Sunnyvale Avenue is not allowed, with this being the preferable option, that a second option be considered to allow a u-turn traveling south on Sunnyvale Avenue (at El Camino Real). The friendly amendment was acceptable to the maker of the motion. Comm. McKenna offered a friendly amendment to add a condition that mid-block crosswalk with in-ground sensor lights be considered. This was acceptable to the maker of the motion.

Chair Rowe discussed with staff and the Commission opaque windows determining this issue is covered in the conditions.

Comm. Klein thanked everyone for attending and discussed the pros and cons of the project, and said that Sunnyvale needs a clinic. He said the public being involved in this process has improved the project to reduce the size. He said traffic and the parking are the biggest affects of the project. He said pedestrian

safety and traffic calming measures definitely need to be further looked at. He said it is imperative to go forward with a possible left hand turn or u-turn on southbound Sunnyvale Avenue if appropriate agencies would approve it. He commended PAMF for working with the neighbors as the project is far improved from where it was originally and this is a compromise.

Comm. McKenna said it has been a pleasure to work with members of the community and PAMF and to see two groups try and make it work, including staff. She said there are still issues to deal with including the traffic impact and hoping working with Cal Trans we can get the left turn lane southbound from Sunnyvale Avenue. She said having the closure of the streets remaining as an option is a good modification.

Chair Rowe thanked everyone for their involvement. She said she hopes CARZ will follow up on their concerns and find a contact person within the City.

ACTION: Comm. Klein made a motion on 2007-1293 to recommend to City Council to:

(Regarding EIR Actions) Alternative 1. Adopt a resolution recommending certification of the EIR, adopting the Statements of Overriding Consideration and adopting the Mitigation Monitoring and Reporting Program;

(Regarding Rezoning Actions) Alternative 3. Maintain the existing zoning designation of R-2/O/PD (Low-Medium Density Residential with an Office/Planned Development Combining District) and do not approve the rezoning;

(Regarding the Special Development Permit Actions) Alternative 6. Approve the Special Development Permit with modified findings and conditions of approval (listed below);

(Regarding the Transportation Policy Actions)

1. Modified Alternative 8a. Direct staff to study neighborhood traffic calming, including closure options, for S. Bayview Avenue and Carroll Street with the following conditions of approval:

- that the applicant/developer shall contribute up to \$50,000 to the City that shall be used to design and construct neighborhood traffic calming measures, including street closure options, on nearby residential streets. These funds shall be deposited with the City prior to submittal of building permits. Any unexpended or uncommitted funds remaining after three years from the date of deposit shall be refunded to the applicant/developer.**
- If the City determines that full or partial street closures are necessary, the applicant/developer shall be responsible for the additional cost (up**

to \$200,000) to design and construct the City-approved street modifications, including cul-de-sac construction if deemed necessary, on S. Bayview Avenue (between Kenney Court and Old San Francisco Road) and on Carroll Street (between Old San Francisco Road and Jarvis Court)

- Adding (from Alternative 9a.): that the applicant/developer shall be fully responsible for the cost to study, design, and construct bulb-outs or another City-approved street modification on S. Bayview Avenue (between Jarvis Court and Old San Francisco Road) and on Carroll Street (between Old San Francisco Road and Kenney Court). Plans shall be submitted to the Director of Public Works for review and approval prior to building permit issuance for building shell(s), and shall be installed prior to approval of occupancy”; Alternative 10. Direct staff to prepare a preliminary engineering feasibility analysis of providing a left turn from southbound Sunnyvale Avenue to eastbound Old San Francisco Road;

Alternative 11. If Alternatives 8a, 8b, 9a, 9b and/or 10 are approved by the City Council, direct staff to meet further with the neighborhood and return to the City council with a status report or study results no later than December 2009.

3. To add to Alternative 10 that if a left turn traveling south on Sunnyvale Avenue is not allowed, with this being the preferable option, that a second option be considered to allow a U-turn traveling south on Sunnyvale Avenue (at El Camino Real).

The conditions of approval to be modified are:

- to add a condition (15.A.3) that the applicant/developer shall be fully responsible for the cost to study, design, and construct bulb-outs or another City Approved street modification on S. Bayview Avenue (between Kenney Court and Old San Francisco Road) and on Carroll Street (between Old San Francisco Road and Jarvis Court). Plans shall be submitted to the Director of Public Works for review and approval prior to building permit issuance for building shell(s), and shall be installed prior to approval of occupancy.;
- to add a condition that the applicant investigate with staff the concept of an employee exit on the southeast corner of the building on 301 Old San Francisco Road onto the corner of S. Bayview Avenue and Old San Francisco Road;
- to add a condition that the applicant work with staff and the Director of Community Development to evaluate a modification to the north wall of the parking structure, preferably a solid wall or other acoustic attenuation on the first floor to reduce noise;
- to add a condition (12.C) that the applicant be required to provide

mechanized window coverings on timers on the first, second and possibly the third story windows to prevent evening light towards the residential community;

- **to add a condition that the applicant consider with staff the addition of a mid-block crosswalk with in-ground sensor lighting on S. Bayview Avenue.**

Comm. McKenna seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This recommendation will be forwarded to City Council and is scheduled to be considered at the June 23, 2009 Council meeting.